

REMARKS

Applicants gratefully acknowledge the Examiner's entry of the Request for Continued Examination.

Claims 1 and 6-7 are rejected under 35 U.S.C. § 102(b).

Claims 2, 8-13, and 17-20 are rejected under 35 U.S.C. § 103(a).

Claims 1 and 10 are currently amended solely in the interest of furthering prosecution of this case. Claims 21-24 are new, and support for the new claims are found in the specification at least at page 6, ¶ 1. Therefore, no new matter is introduced by claims 21-24. Applicants respectfully request entry thereof and examination on the merits.

Claims 8 and 19 are canceled without prejudice or disclaimer to the subject matter therein.

Claims 1, 2, 6-7, 9-13, 17-18, and 20-24 are pending in the application. Applicant respectfully requests reconsideration and allowance of each pending claim in view of the following remarks.

Rejections under 35 U.S.C. § 102

Claims 1 and 6-7 are "rejected under 35 U.S.C. 102(b) as being anticipated by Kajikawa et al. (5,478,879)." Office Action, page 2, ¶ 3. Although Applicant believes that the claims are not anticipated by Kajikawa '879 because the reference does not disclose each and every element of the claim, Applicant has nonetheless amended claim 1, from which also claims 6-7 depend, solely in the interest of furthering the prosecution of the case.

Amended claim 1 recites an underneutralized superabsorbent polymer in which "the underneutralized superabsorbent polymer and the layered double hydroxide anionic clay are present in a ratio ranging from about 1:1 to about 1:20." Kajikawa '879 does not disclose this element. Anticipation requires that "each and every element as

set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Here, Kajikawa ‘879 fails to disclose this element, and therefore fails to anticipate amended claim 1.

In view of at least the foregoing, amended claim 1 is not anticipated by Kajikawa ‘879. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection.

Applicant notes that the Examiner previously rejected canceled claim 8 “as being unpatentable over Kajikawa (5,478,879) as applied to claim 1 above, and further in view of Harada et al. (6,150,469).” Office Action, page 4, ¶ 1. According to the Examiner, “Kajikawa discloses all aspects of the claimed invention but remains silent as to the amount of hydrotalcite present in the composition. Harada discloses the use of hydrotalcite in a superabsorbent composition, as described in column 17, lines 47-65. The superabsorbent polymer and hydrotalcite are present in a [ratio] ranging from 1:1 to 1:10, as disclosed in column 18, lines 19-25.” Office Action, page 4, ¶ 2. Applicant respectfully submits that Harada ‘469 does not disclose the use of hydrotalcite in a superabsorbent composition in the ratios recited previously in canceled claim 8.

The ratio discussed in column 18, lines 19-25 of Harada ‘469 is not the ratio of superabsorbent polymer and hydrotalcite, but rather the “ratio of the liquid denaturant substance and water-insoluble compound in the powdery denaturant substance.” Harada ‘469, col. 18, ll. 15-16. In Harada ‘469, the powdery denaturant substance is used to denature a hydrophilic polymer. Col. 4, ll. 9-13. “Denature,” as the word is used in Harada ‘469, means “crosslinking.” Col. 1, ln. 39. Therefore, the “powdery denaturant substance” referred to in column 18, lines 19-25, and cited by the Examiner is simply a powdery crosslinking agent.

The powdery denaturant or crosslinking substance is “made from a liquid denaturant substance” (col. 4, ll. 12-13; see also col. 17, ll. 47-49), for example, by “mixing the liquid denaturant substance with powders of a water-insoluble compound”

(col. 17, ll. 49-51). One powder of a water-insoluble compound that may be used is hydrotalcite. Col. 17, ln. 65. Thus, the “ratio of the liquid denaturant substance and water-insoluble compound in the powdery denaturant substance” taught by Harada ‘469 is the ratio of liquid crosslinking agent (*i.e.*, the “liquid denaturant substance”) to water-insoluble compounds (*e.g.*, hydrotalcite) in the powdery crosslinking agent.

In other words, Harada ‘469 does not teach a ratio of super absorbent polymer to hydrotalcite, but rather a ratio of liquid crosslinking agent to hydrotalcite. Harada’s teachings, therefore, do not disclose the range of ratios of underneutralized superabsorbent polymer and the layered double hydroxide anionic clay that are recited herein.

Rejections under 35 U.S.C. § 103

Claims 2, 8-13, and 17-20 are rejected under 35 U.S.C. § 103(a). All of these claims depend from either amended claim 1 or amended claim 10. Claims 8 and 19 have been canceled without prejudice or disclaimer to the subject matter therein. Also, as discussed, claims 1 and 10 have been amended solely in the interest of furthering prosecution of this case by clarifying that “the underneutralized superabsorbent polymer and the layered double hydroxide anionic clay are present in a ratio ranging from about 1:1 to about 1:20.” This element is not recited by any of the references cited by the Examiner under 35 U.S.C. § 103(a).

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP 2143.03, *citing In re Royka*, 490 F.2d 981. The cited references fail to disclose the limitations found in amended claims 1 and 10, from which all of the claims rejected under 35 U.S.C. § 103(a) depend. Therefore, the amendments render the previous rejections moot and Applicant respectfully requests the Examiner reconsider and withdraw the rejections of claims 2, 9-13, 17-18, and 20.

A. Claim 2

“Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kajikawa et al. (5,478,879) as applied to claim 1 above, and further in view of Jones, Sr. (3,794,034).” Office Action, page 3, ¶ 3. The Examiner states that “Kajikawa discloses all aspects of the claimed invention but remains silent as to the pH range. Jones discloses an absorbent article having a pH in the range of 3.5 to 6.0.” Office Action, page 3, ¶ 4.

Amended claim 1, however, clarifies that “the underneutralized superabsorbent polymer and the layered double hydroxide anionic clay are present in a ratio ranging from about 1:1 to about 1:20.” Nowhere in Kajikawa ‘879 or Jones ‘034 is it suggested that the superabsorbent polymer be paired with a layered double hydroxide anionic clay in the recited ratios. Amended claim 1, from which claim 2 depends, makes it clear that Kajikawa ‘879 and Jones ‘034 are deficient references in terms of rendering claim 2 obvious.

B. Claim 9

“Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajikawa et al. (5,478,879) as applied to claim 1 above, and further in view of Harada et al. (6,150,469).” Office Action, page 4, ¶ 1. Claim 8 has been canceled without prejudice; therefore only claim 9 will be addressed.

Applicant respectfully refers the Examiner to the arguments presented on pages 6-8 of this Amendment. Briefly, the ratios that are taught by Harada ‘469 are ratios of liquid crosslinking agent (*i.e.*, the “liquid denaturant substance”) to water-insoluble compounds (*e.g.*, hydrotalcite) in a powdery crosslinking agent. The ratios taught by Harada ‘469 are not the ratio of underneutralized superabsorbent polymer to the layered double hydroxide anionic clay that are recited in claim 9. Because Kajikawa ‘879 and Harada ‘469 fail to disclose each and every limitation of claim 9, they fail to render the claim obvious.

Applicant therefore requests that the Examiner reconsider and withdraw this rejection.

C. Claims 10-12 and 17-18

“Claims 10-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajikawa et al. (5,478,879) as applied to claim 10 above, and further in view of Masaki et al. (5,821,179).” Office Action, page 4, ¶ 3. The Examiner states that it “would therefore be obvious to one of ordinary skill in the art at the time of invention to produce an absorbent article comprising the superabsorbent composition of Kajikawa with the structure taught by Masaki to reduce gel blocking of the superabsorbent composition.” Office Action, page 5, ¶ 2.

As discussed, claim 10 has been amended to recite that “the underneutralized superabsorbent polymer and the layered double hydroxide anionic clay are present in a ratio ranging from about 1:1 to about 1:20.” In view of the foregoing discussion, it is apparent that Kajikawa ‘879 paired with Masaki ‘179 fails to teach or suggest each and every limitation of the amended claim 10.

In view of at least the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

D. Claims 11-12

The Examiner states that “Kajikawa, as modified by Masaki, discloses all aspects of the claimed invention with the exception of the superabsorbent present in the amount ranging from about 0.2 to about 0.8 grams per gram of fluff pulp. It would have been obvious to one of ordinary skill in the art at the time of invention to include the superabsorbent in the range of about 0.2 to about 0.8 grams per gram of fluff pulp, since it has been held that where the general conditions of the claim (i.e. the ratio of superabsorbent to fluff pulp) are known in the art, finding the optimum or workable ranges requires only routine skill in the art.” Office Action, page 5, ¶ 3.

As discussed, claim 10 has been amended to recite that “the underneutralized superabsorbent polymer and the layered double hydroxide anionic clay are present in a ratio ranging from about 1:1 to about 1:20.” In view of the foregoing discussion, it is apparent that Kajikawa ‘879 paired with Masaki ‘179 fails to teach or suggest each and every limitation of the amended claim 10, from which claims 11 and 12 depend.

In view of at least the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

E. Claim 13

“Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kajikawa et al. (5,478,879) and Masaki et al. (5,821,179) as applied to claim 10 above, and further in view of Jones, Sr. (3,794,034).” Office Action, page 6, ¶ 1. In view of the foregoing discussion, it is apparent that Kajikawa ‘879 and Masaki ‘179 combined with Jones ‘034 fails to teach or suggest each and every limitation of the amended claim 10, from which claim 13 depends. In view of at least the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

F. Claim 18

The Examiner states that, with “respect to claim 18, the claim discloses a product-by-process limitation. The claim is drawn to an article, and the final product disclosed by Kajikawa is structurally identical to the product claimed. Kajikawa therefore discloses the article disclosed in the claim.” Office Action, page 5, ¶ 4. In view of the foregoing discussion, it is apparent that Kajikawa ‘879 fails to teach or suggest each and every limitation of the amended claim 10, from which claim 18 depends. In view of at least the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

G. Claim 20

“Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kajikawa et al. (5,478,879) and Masaki et al. (5,821,179) as applied to claim 10 above, and further in view of Harada et al. (6,150,469).” Office Action, page 6, ¶ 3. Claim 19 has been canceled without prejudice. In view of the foregoing discussion, it is apparent that Kajikawa ‘879 and Masaki ‘179 combined with Harada ‘469 fails to teach or suggest each and every limitation of the amended claim 10, from which claim 20 depends. In view of at least the foregoing, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

CONCLUSION

For at least the reasons outlined above, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and allowance of the pending claims is respectfully solicited.

Should there be anything further required to place the application in better condition for allowance, Examiner Anderson is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:

A handwritten signature in dark ink, appearing to read "Scott F. Yarnell", is written over a horizontal line.

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